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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,079	03/30/2004	Jen-Yuan Huang	SUND 505	3013
23995	7590	12/01/2004	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			CHAU, COREY P	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/812,079

Applicant(s)

HUANG, JEN-YUAN

Examiner

Corey P Chau

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/26/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-11, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0179694 to Alley in view of U.S. Patent Application Publication No. 200100141163 to Hickman et al. (hereafter as Hickman).

3. Regarding Claim 1, Alley discloses an audio device (i.e. electronic device), which produces a plurality of noises (page 1, paragraph 0008) and at least one signal during its operation (page 1, paragraph 0008), the audio device (i.e. electronic device) comprising a signal detection unit (17) for detecting the at least one signal produced by the at least one fan, and a control processing unit (99) for making a judgment according to the at least one signal and controlling playing of music accordingly. Alley discloses an audio device, but only generally, no specific hardware or software is taught. Therefore it would have been obvious to one having ordinary skill in the art to seek known audio devices. Hickman for example discloses an electronic device, wherein the electronic device is a portable computer comprising a fan which is well known to produce audible noise at frequencies that are unpleasant to the human ear. It would have been obvious to one having ordinary skill in the art to employ any known audio devices, such as that

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of Hickman. Therefore it would have been obvious to modify Alley with the teaching of Hickman to utilize an electronic device, wherein the electronic device is a portable computer comprising a fan.

4. Regarding Claim 3, Alley as modified discloses the at least one signal is a pulse or a square wave signal of the at least one fan (i.e. a microphone 17 or other sound detector that picks up sound from ambient space and converts those sound waves into electrical current is utilized)(page 2, paragraph 0025).

5. Regarding Claim 4, Alley as modified discloses the control processing unit (99) is a microprocessor or a central processing unit (i.e. the controller circuit 99 may include a microprocessor, a gate array, or other common logic circuits and will implement the various of functions of the safety apparatus) (page 2, paragraph 0028).

6. Regarding Claim 5, Alley as modified discloses the music, but only generally. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize any music such as music comprising at least one opus.

7. Regarding Claim 6, Alley as modified discloses the control processing unit stores at least one program (page 2, paragraph 0029).

8. Regarding Claim 7, Alley as modified discloses the at least one program defines at least one default interval, which has at least one limit value (page 2, paragraph 0029; page 3, paragraph 0030).

9. Regarding Claim 8, Alley as modified discloses the control processing unit compares the at least one signal with the at least one limit value to judge whether or not

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a value of the at least one signal falls within the at least one default interval (page 2, paragraph 0027).

10. Regarding Claim 9, Alley as modified discloses the at least one program defines the music corresponding to the at least one default interval (page 2, paragraph 0029; page 3, paragraph 0030).

11. Regarding Claim 10, Alley as modified discloses the at least one program defines a playing speed or a playing volume for the music corresponding to the at least one default interval (page 3, paragraph 0030).

12. Claim 11 is essentially similar to Claim 1 and is rejected for the reasons stated above apropos to Claim 1.

13. Claim 13 is essentially similar to Claim 3 and is rejected for the reasons stated above apropos to Claim 3.

14. Claim 14 is essentially similar to Claim 4 and is rejected for the reasons stated above apropos to Claim 4.

15. Claim 15 is essentially similar to Claim 5 and is rejected for the reasons stated above apropos to Claim 5.

16. Claim 16 is essentially similar to Claim 6 and is rejected for the reasons stated above apropos to Claim 6.

17. Claim 17 is essentially similar to Claim 7 and is rejected for the reasons stated above apropos to Claim 7.

18. Claim 18 is essentially similar to Claim 8 and is rejected for the reasons stated above apropos to Claim 8.

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19. Claim 19 is essentially similar to Claim 9 and is rejected for the reasons stated above apropos to Claim 9.

20. Claim 20 is essentially similar to Claim 10 and is rejected for the reasons stated above apropos to Claim 10.

21. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0179694 to Alley in view of U.S. Patent Application Publication No. 200100141163 to Hickman as applied to claims 1, 3-11, and 13-20 above, and further in view of U.S. Patent Application Publication No. 2003/0219131 to Akiho.

22. Regarding Claim 2, Alley as modified discloses sound intensity and frequency may be analyzed and an appropriate output response can be made by the safety apparatus, but only generally, no specific hardware or software was taught. Therefore it would have been obvious to one having ordinary skill in the art to seek known methods to analyze the frequency of the sound received. Akiho for example discloses a frequency counter that produces a count rate that corresponds to the frequency of the input signal (i.e. the signal detection unit comprises a counter). It would have been obvious to one having ordinary skill in the art to employ any known methods to analyze the frequency of the sound received, such as that of Akiho. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alley with the teaching of Akiho to utilize a frequency counter to analyze the frequency of the sound received.

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23. Claim 12 is essentially similar to Claim 2 and is rejected for the reasons stated above apropos to Claim 2.


**Conclusion**

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 29, 2004

  
XU MEI  
PRIMARY EXAMINER